

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

RICKY STONECYPHER

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

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NO. 2:09-CV-123

ORDER

This Social Security matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated June 25, 2010. In that Report and Recommendation, the Magistrate Judge recommends that the plaintiff's motion for judgment on the pleadings, [Doc. 13], be granted insofar as it seeks a remand, although the remand should be pursuant to "Sentence Four" as opposed to "Sentence Six." The magistrate judge also recommends that defendant's motion for summary judgment, [Doc. 16], be denied. Neither party has filed objections to this recommendation. Thus, after careful consideration of the record as a whole, including the Administrative Transcript, and after careful consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and **APPROVED**, [Doc. 18], that the plaintiff's motion for judgment on the

pleadings, [Doc. 13], is **GRANTED** insofar as the case is **REMANDED**, although the remand is pursuant to “Sentence Four” rather than to “Sentence Six,” and that defendant’s motion for summary judgment, [Doc. 16], is **DENIED**. It is further **ORDERED** that this case is **REMANDED** to obtain a consultative mental examination, and such other supplementation of the record as either party may wish to make. In addition, it may be remanded before any ALJ, including Judge Overton, for further evaluation of the plaintiff’s mental impairments.

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE